

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRANDON HOLMES, : No. 3:15cv72  
Petitioner :  
: (Judge Munley)  
v. : (Chief Magistrate Judge Carlson)  
:  
DAVID EBBERT, :  
Respondent :  
.....

ORDER

AND NOW, to wit, this 11 day of February 2015, it is HEREBY

ORDERED as follows:

1. Plaintiff's objection to the Report and Recommendation (Doc. 5) is **OVERRULED**;
2. The Report and Recommendation of Chief Magistrate Judge Carlson (Doc. 4) is **ADOPTED**;
3. The petition (Doc. 1) is **DISMISSED WITH PREJUDICE**;
4. For the reasons set forth in the accompanying memorandum we decline to issue a certificate of appealability; and
5. The Clerk of Court is directed to close this case.

BY THE COURT:

JUDGE JAMES M. MUNLEY  
United States District Court

